

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
23-00213-01-CR-W-DGK

KENNETH D. FENNER,

Defendant.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

PENDING CHARGES:

Count One	Possession with Intent to Distribute Fentanyl, <i>in violation of</i> 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)
Count Two	Possession of a Firearm in Furtherance of Drug Trafficking, <i>in violation of</i> 18 U.S.C. § 924(c)(1)(A)
Count Three	Felon in Possession of a Firearm, <i>in violation of</i> 18 U.S.C. §§ 922(g)(1) and 924(a)(8)

TRIAL COUNSEL:

Government: Robert Smith
Case Agent: To be determined
Defense: Jane Francis

OUTSTANDING MOTIONS: None

ANTICIPATED MOTIONS: Defendant plans to file a motion in limine

TRIAL WITNESSES:

Government: 5-7 with stipulations; 10 without stipulations
Defense: 2 additional witnesses, including Defendant who may testify

TRIAL EXHIBITS:

Government: < 50 exhibits
Defense: no additional exhibits

DEFENSES:

(x) defense of general denial
() defenses of general denial and _____

POSSIBLE DISPOSITION:

- () Definitely for trial (x) Possibly for trial
 () Motion to continue to be filed () Likely a plea will be worked out

TRIAL TIME: 2 ½ days

Government's case including jury selection: 2 days

Defense case: ½ day

STIPULATIONS:

- ☐ not likely
☐ not appropriate
☐ likely as to:
 ☐ chain of custody
 ☒ chemist's reports
 ☐ prior felony conviction
 ☒ interstate nexus of firearm

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit Lists:

Government: June 24, 2024

Defense: June 24, 2024

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: June 24, 2024

Jury instructions must comply with Local Rule 51.1

Motions in Limine: June 24, 2024

TRIAL SETTING: Criminal jury trial docket commencing July 8, 2024

Please note: Defendant requests the first week of the docket, as counsel has two hearings scheduled in the District of Kansas during the second week: a motion hearing in a multi-defendant case on July 16, 2024; and a status conference in a single-defendant case scheduled for July 18, 2024.

OTHER:

- () A _____-speaking interpreter is required.
- () Other assistive devices: _____

IT IS SO ORDERED.

/s/ Jill A. Morris
JILL A. MORRIS
United States Magistrate Judge